

ORDINANCE NO. 1443

AN ORDINANCE OF THE CITY OF BRYAN, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS, BE AMENDED BY REVISING CHAPTER 22: SIGN CODE, OF SAID CODE; REGULATING THE PERMITTING, ERECTION, CONSTRUCTION, PLACEMENT, RELOCATION, ALTERATION AND REMOVAL OF OUTDOOR ADVERTISING SIGNS; PROVIDING FOR THE ENFORCEMENT OF SUCH REGULATIONS; ESTABLISHING STANDARDS AND TIME LIMITS FOR APPEALS AND STANDARDS FOR APPROVING AND DENYING PERMIT APPLICATIONS; AMENDING CHAPTER 24, "STREETS AND SIDEWALKS", OF SAID CODE; RELATING TO THE RIGHTS-OF-WAY OF PUBLIC STREETS, TO INCLUDE THE DUTIES OF THE ABUTTING PROPERTY OWNER TO MOW AND KEEP FREE FROM RUBBISH THE ABUTTING RIGHT-OF-WAY, THE DUTY TO REPAIR SIDEWALKS; AND THE PLACEMENT OF SIGNS IN THE PUBLIC RIGHT-OF-WAY AND ON PUBLIC PROPERTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bryan finds that signs provide an important medium through which persons may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance.

WHEREAS, Chapter 216 of the Texas Local Government Code specifically authorizes home-rule municipalities such as the City of Bryan to license, regulate, control, or prohibit the erection of signs or billboards;

WHEREAS, by amending Section 22 et seq. of the City of Bryan Code of Ordinances and enacting this ordinance, the City Council of the City of Bryan, Texas intends to:

- (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Protect the public health, safety, and welfare of the citizens and others within the city;
- (3) Reduce traffic hazards, pedestrian hazards, and other hazards;
- (4) Promote and maintain the aesthetic qualities of the city;
- (5) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (6) Promote economic development;
- (7) Ensure the fair and consistent enforcement of sign regulations;
- (8) Promote the stated purposes of the City of Bryan Comprehensive Zoning Ordinance, as amended, which are expressly incorporated herein; and
- (9) Promote the stated purposes of the International Building Code, as adopted and modified by the city, which are expressly incorporated herein.
- (10) Except to the extent allowed by applicable federal and state law, nothing here is intended to in any way preempt any federal or state law requirements regarding signs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRYAN:

I.

That Chapter 22, SIGN CODE, of the Code of Ordinances of the City of Bryan, shall be amended to read as follows:

SIGNS--OUTDOOR ADVERTISING

ARTICLE I. PURPOSE

Sec. 22-1 Adoption of Sign Ordinance.

There is adopted an ordinance providing for maximum area and dimensions of sign and display advertising in the interest of the public safety, convenience health and general welfare of the people of the city.

ARTICLE II. SCOPE; DEFINITIONS

Sec. 22-2 Scope; Conflicting Provisions

The provisions of this chapter shall apply to all signs, as that term is defined herein, within the corporate limits of the City of Bryan, Texas, and its extraterritorial jurisdiction, that are:

- (1) located on private property;
- (2) visible from any public or private street; and
- (3) used for advertising;

provided that this chapter shall not preempt the sign laws of the Historic Preservation District: This law is subject to the provisions of the Texas Local Government Code, Chapter 216, entitled "Regulation of Signs by Municipalities". This ordinance shall not apply to signs of a local, state or federal government or signs required to be placed on private property by local, state or federal law. Any conflict between provisions of this ordinance and Chapter 216 shall be resolved in favor of Chapter 216 and its amendments. All signs that are electrically operated or contain one or more components must also obtain an additional permit as required by the City Electrical Ordinance.

Sec. 22-3 Definitions

Certain terms are defined for the purposes of this chapter as follows:

Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product; or activity, and/or for which no legal owner can be found.

Advertising. Means to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity. The following is not advertising for the purposes of this chapter: (1) signs protesting against any person, business, organization, property or commercial activity, and (2) signs promoting or denouncing political, ideological, social or religious issues or beliefs of any person or group.

Animated Sign. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "Marquee").

Awning Sign. A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign. Sign A sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. See "Off-Premises Sign".

Board of Sign Control and Appeals. See Section 22-22.

Building. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building Official. The officer or other designated authority or their duly authorized representative, charged with the administration and enforcement of this code.

Cabinet. A sign component that houses the other components of a sign.

Changeable Copy Sign (Automatic). A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable Copy Sign (Manual). A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Construction Sign. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy. The wording on a sign surface in either permanent or removable letter form.

Curb Line. Means an imaginary line drawn along and parallel to the outermost part or back of the curb and gutter on either side of a public street; or, if there is no curb and gutter, along and parallel to the outermost portion of the paved street; or, if there is no paved street, along and parallel to the outermost edge of the traveled portion of the street.

District. Any sections of the City; for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein. Also see "Zoning District".

Double-Faced Sign. A sign with two (2) faces.

Electrical Sign. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center. See "Changeable Copy Sign, Automatic".

Façade. The entire building front including the parapet.

Face of Sign. The area of a sign on which the copy is placed.

Festoons. A string of ribbons, tinsel, small flags, or pinwheels used for advertising purposes.

Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Animated Sign", "Changeable Copy Sign").

Freestanding Sign. A sign supported upon the ground by poles or braces and not attached to any building.

Frontage. The length of the property line of any one (1) premises along a public right-of-way on which it borders.

Frontage (Building). The length of an outside building wall on a public right-of-way.

Handheld Sign. A sign that is held by a person in such a manner that neither the sign nor any object(s) that provide support of the sign touches the ground.

Height (of a sign). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "Clearance").

Illegal Sign. A sign which does not meet the requirements of this code, *or* any applicable state laws, which has not received exempt status.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business, and not exceeding two (2) square feet.

Lot. A parcel of land legally defined on a subdivision map recorded with the Appraisal District, or a parcel of land defined by a legal record or survey map.

Maintenance. For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "Awning").

Marquee. A permanent canopy, awning or roof like structure of rigid materials supported by and extending from the facade of a building. A marquee is considered to be part of the building.

Marquee Sign. Any sign attached to or supported by a marquee structure.

Occupancy. The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premises Sign. A sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

On-Premise Sign. A sign which pertains to the use of the premises on which it is located.

Outdoor Advertising Signs. Shall mean On-premises signs and Off-premises signs.

Owner. A person recorded as such on official records or the on premises person in control of the premises. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Chief Building Official.

Painted Wall Sign. Any sign which is applied with paint or similar substance on the face of a wall.

Parapet. The extension of a false front or wall above a roofline.

Pennant. A triangular shaped or other shaped ribbon or device which is greater than one (1) inch in length and used either singularly or in groups on a line or pole.

Pole Cover. Covers enclosing or decorating poles or other structural supports of a sign.

Portable Sign. Shall mean any sign designed or constructed to be easily moved from one location to another and not permanently affixed to the ground or to a structure or building, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this chapter, trailer signs and signs on benches are "portable signs".

Premises. A tract of land with buildings or part of a building, with its appurtenances.

Private Property. Any property not dedicated to public use, except that, "private property" does not include the following:

- (A) A private street or alley.
- (B) A railroad right-of-way.
- (C) A cemetery or mausoleum.

Projecting Sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Public Property. Property owned or leased by the Federal Government, State of Texas, or any political subdivision of the state, including the City of Bryan.

Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign. Any sign erected over or on the roof of a building (compare "Wall Signs").

Rotating Sign. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sandwich Board. A sign consisting of two hinged boards that hang front and back from the shoulders of a person used to display an advertisement.

Searchlight. An apparatus containing a strong light source and a reflector for projecting a bright beam of light, usually track or trailer mounted.

Shopping Center. See "Strip Center".

Sign or Signs. Means all outdoor advertising displays, including any and all devices, structural or otherwise, lighted or unlighted, painted or not painted, attached to, made a part of or placed in the front, rear, sides or top of any structure or on land. For the purposes of this Chapter, the term signs or signs shall include handheld signs and sandwich boards. Official Flags of any nation, state or political subdivision of a state, including but not limited to city, county or school district, are not signs for the purposes of this Chapter.

Sign, Area of:

(1) **Projecting and Freestanding:** The area of the sign shall be measured as follows if the sign is composed of one (1) or two (2) individual cabinets:

a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided, that there is not written advertising copy on such embellishments.

b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

c. Only one face of a double faced sign will be used to figure the total square footage.

(2) **Wall Signs:** The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign. A temporary sign or poster affixed to a tree, fence, etc.

State Maintained Highway. Shall mean Highway 6 (East Bypass) and frontage road, Highway 21 (San Jacinto), Highway 158(William Joel Bryan), Highway 308 (South College from Sulphur Springs to College Station city limits), Highway 507 (Texas Avenue), Highway 974 (Tabor Road from Wilkes Street east to city limits), Highway 1179 (Villa Maria from Briarcrest to west city limits and Briarcrest to east city limits), Highway 1687 (Sandy Point Road) and Highway 2818.

Strip Center (Shopping Center). A building plot developed or ultimately to be developed with three (3) or more stores, shops, or commercial enterprises, and which has shared parking facilities or access.

Temporary Sign. Shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, metal, or other light materials, not to exceed six (6) square feet in size and not intended for long-term use. A portable sign shall not be considered a temporary sign.

Under-Canopy Sign. A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use. The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Vehicular Signs. Signs displayed, designed, or used for or upon motor vehicles moving along the roadway or on any vehicle parked temporarily, incidental to its principal use of transportation. Signs placed on vehicle or trailers which are parked for the primary purpose of displaying said sign are not vehicular signs.

Wall Sign. A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign. A sign installed inside a window and intended to be viewed from the outside made of wood, paper, paint or vinyl and not illuminated.

Zoning District. A-O (Agricultural-Open Space), SF7 (Single Family 7000), SF5 (Single Family 5000), MF (Multifamily), O (Office District), R (Retail), C (Commercial District), DT (Downtown), I (Industrial), I-IP (Historical Preservation District), PD (Planned Development), MU1 (Mixed Use Residential), and MU2 (Mixed Use). Also see "District."

ARTICLE II. GENERAL PROVISIONS

Sec. 22-4

It shall hereafter be unlawful for any person to erect, place, or maintain outdoor advertising signs and outdoor advertising structures (hereinafter referred to as "Signs") in the City of Bryan except in accordance with the provisions of this chapter. Notwithstanding any provisions of this chapter, no sign shall be placed, posted, displayed or carried at a location or in such manner so as to obstruct or interfere with, or pose the threat of obstructing or interfering with, vehicular or pedestrian travel or pose a danger to any person.

Sec. 22-5 Signs prohibited in all districts.

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.
- (2) Banners except allowed in 22-14(7) and 22-16(9).
- (3) Signs imitating or resembling official traffic or government signs or signals.
- (4) Snipe signs or signs attached to trees, utility poles, public benches, or streetlights.
- (5) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

- (6) Off-premises signs.
- (7) Portable signs.
- (8) Signs painted on roof tops.
- (9) Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this section are met and if the commercial information or content of such signs is restricted to no more than eighty (80) square feet.
- (10) Any sign which emits sound, odor or visible matter.
- (11) Pennants, search lights, and festoons.

Sec.22-6 Permits Required

Unless otherwise provided by this chapter, prior to installation, all signs and awnings shall have permits issued and all necessary fees shall be paid as described in Article VI of this chapter.

Sec. 22-7 Signs Not Requiring Permits

No permit shall be required under this chapter for on-premise signs with the following descriptions; any sign listed hereunder shall be erected and maintained in a safe condition in conformance with all other requirements of this chapter, the Building Code, and the Electrical Code:

- (1) On-premises signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this Ordinance and with the requirements of the Building code and the Electrical Code.
- (2) Vehicular Signs.
- (3) One (1) construction sign for each street frontage of a construction project, not to exceed sixteen (16) square feet in sign area in SF5, SF7 and MU1 zoning district or thirty-two (32) square feet in sign area in all other areas. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed prior to issuing a certificate of occupancy, but shall not remain on the site if building permit expires.
- (4) One non-illuminated real estate sign per street frontage per lot or premises, not to exceed sixteen (16) square feet in sign area, except in properties over two acres not to exceed thirty-two (32) square feet.
- (5) Window signs.
- (6) Incidental signs.
- (7) A changeable copy sign that periodically changes only the letters, numbers or message portion.

(8) Balloons or gas-filled objects may be used for display or advertising for special events; maximum height to be thirty-five (35) feet. One (1) use allowed for three (3) days maximum time per premise per thirty (30) day period.

(9) Hand-held signs or sandwich boards.

Sec. 22-8 Maintenance

All signs shall be properly maintained by the persons in control of the premises. Exposed surfaces shall be clean and painted if paint is required. Defective pans shall be replaced. The Chief Building Official shall have the right under Section 22-32 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the currently adopted International Building Code.

Sec. 22-9 Lighting

Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize:

(1) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.

(2) Any exposed incandescent lamp in excess of fifty (50) watts unless a screen or diffuser used or wattage does not exceed ten (10) watts or a higher wattage incandescent lamp may be used with no diffuser for lane, open or close designation.

(3) Any revolving beacon light, flashing light, or strobes.

Electrical Signs shall comply with the requirements set forth by the adopted International Electrical Code and city ordinances.

Sec. 22-10 Changeable Copy

Unless otherwise specified by this chapter, any sign herein allowed may use manual or automatic changeable copy. The building official shall be notified in writing prior to any copy changes for any sign or awning except for signs utilizing changeable mechanical or electrical letters.

Sec. 22-11 Sign Contractor's License

No person may engage in the business of erecting on, altering on, relocating on, constructing or maintaining signs without all required state and federal licenses. A permit will not be issued to anyone for the erecting, altering, relocating, construction, or maintenance of signs until a license is secured from the city.

Sec. 22-12 Deposit or Bond

When any work on a sign or sign structure is to be done beyond the curb line or on or above public property which may cause the City of Bryan, Texas, to sustain loss, damage or injury to public property, or to be put to expense in correcting conditions resulting there from, the Building Official shall require the person proposing to do such work to furnish a bond in the amount of five thousand dollars (\$5,000) in a form determined by the City Attorney, or to post a deposit of a like amount, to indemnify the City of Bryan against any cost that may be incurred or any loss, damage, or injury that may be sustained by the

City of Bryan because of such work and as a guaranty of compliance with this and other applicable laws and ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

ARTICLE III. REGULATION OF ON-PREMISE SIGNS BY DISTRICT

Sec. 22-13 Signs Allowed in SF-5, SF-7, MF, MU-1. and AO Zoning Districts

(a) All signs as allowed in Section 22-7

(b) One entrance identification sign per apartment complex, mobile home park, or condominium complex, not to exceed sixty (60) square feet in sign area. A second entrance sign may be permitted where a second entrance to the complex is located on another street.

(c) For permissible nonresidential use, including churches and synagogues, one (1) low profile sign not to exceed sixty (60) square feet in sign area, and one (1) wall sign not to exceed sixty (60) square feet in sign area.

The following regulations apply to SF-5, SF7, and MF Zoning Districts only:

(d) All allowed low profile signs shall have a maximum height limit of five (5) feet and shall have a setback of ten (10) feet from any public right-of-way not to exceed one (1) square foot in sign area for each linear foot of main street frontage to a maximum of sixty (60) square feet.

(e) No sign may be illuminated except subdivision, apartment, mobile home park, condominium complex identification signs, or signs for churches and synagogues which may utilize indirect lighting, or internal lighting where the copy only uses translucent light.

Sec. 22-14 Signs Allowed in Office, Retail, Downtown and MU-2 Zoning Districts

Signs are allowed as follows:

(1) All signs as allowed in Sec. 22-13.

(2) Downtown - Downtown Historical District. See "Appendix A" [of this chapter]

(3) One (1) freestanding sign shall be allowed in Office and Retail districts subject to the requirements set forth in Table 1 [located at the end of this Article]. One (1) low profile sign shall be allowed in all districts in this section with a maximum height limit of five (5) feet and shall have a setback of ten (10) feet from curb not to exceed one (1) square foot in sign area for each linear foot of main street frontage to a maximum of one hundred (100) square feet.

(4) One wall sign per occupancy, not to exceed one (1) square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet.

(5) Where an occupancy is on a corner or has more than one (1) main street frontage, one (1) wall sign and one (1) additional low profile sign will be allowed on the additional frontage, not to exceed the size of other allowed signs.

6) Strip Centers and malls may place additional freestanding signs with a minimum of two hundred (200) feet of separation on two (2) acres or larger or have multiple signs on a single freestanding sign subject to the requirements set forth in Table 1.

(7) On-premises banner signs and temporary signs may be used only during business or activity opening, or special promotions, subject to the following:

- (a) Such displays shall comply with area, height, and setback requirements applicable to on-premise freestanding signs, but the area of such displays shall not be counted against maximum combined sign area; and
- (b) Permits must be obtained, and are valid for a period of fourteen (14) days with a maximum of three permits annually.

(8) Only one (1) under-canopy sign per elevation not to exceed forty (40) percent of the total elevation area shall be allowed.

(9) Awning signs not more than thirty percent (30%) of the surface area of the awning in Office & MU-2 Zoning Districts and fifty percent (50%) of the surface area of the awning in Retail Zoning District.

Sec. 22-15 Signs Allowed in Industrial Zoning Districts

Signs are allowed as follows in Industrial Zoning Districts:

- (1) Signs as allowed in Section 22-7, 22-13 and 22-14.
- (2) One (1) freestanding sign per premise subject to the requirements set forth in Table 1.
- (3) One (1) wall sign per occupancy, not to exceed one (1) square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet.
- (4) Where an occupancy has more than one (1) main street frontage, one (1) additional wall sign and one (1) additional freestanding sign are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.

Sec. 22-16 Signs Permitted in Commercial Zoning Districts.

Signs are allowed as follows in Commercial Zoning Districts:

- (1) All signs as allowed in Sections 22-7, 22-13, 22-14 and 22-15.
- (2) One freestanding sign per premise subject to the requirements set forth in Table 1.
- (3) One wall sign per occupancy, not to exceed one (1) square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet; on S.H.6 Bypass and F.M.2818 roof or wall signs will be allowed a sign area of thirty (30) square feet for every ten (10) feet of distance between the sign and the edge of the highway on a line perpendicular to the face of the sign and, up to a maximum sign area of 300 square feet.

- (4) One roof signs per premise, not to exceed one (1) square foot in sign area for each linear foot of main street frontage up to a total of 300 square feet.
- (5) One awning sign per occupancy not to exceed fifty percent (50%) of the surface area of an awning.
- (6) Where a lot has in excess of 1,000 feet of main street frontage, one additional freestanding sign will be allowed, subject to the requirements set forth in Table 1 and may be placed no closer than two hundred (200) feet to any other freestanding sign on the same premises or any number of low profile signs two hundred (200)feet apart.
- (7) Where an occupancy has more than one (1) main street frontage, one (1) additional wall sign and one (1) additional freestanding sign are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.
- (8) A projecting sign may be used instead of any allowed wall or freestanding sign, not to exceed a sign area of one (1) square foot for each two (2) linear feet of an occupancy's building frontage up to a maximum of one hundred (100) square feet.
- (9) On-premise banner signs may be used subject to Sec. 22 -13 (7), only.

ARTICLE IV. NONCONFORMING SIGNS

Sec. 22-17 Determination of Exempt Status

Signs which are in place on the effective date of this chapter which do not conform to the specific provisions thereof, are hereby "exempt" signs provided that the following have all been met:

- (1) The Chief Building Official determines that such sign or signs are properly maintained and do not in any way endanger the public.
- (2) The sign or signs are validly permitted or a variance has been granted in accordance with applicable law.
- (3) No sign may be designated as exempt from the provisions of this chapter which was not lawfully in place as of the time this chapter took effect.
- (4) Upon removal or destruction of any legal nonconforming signs in residential areas they shall comply with regulations in Section 22-13.

Sec. 22-18 Loss of "Exempt" On or Off Premise Status

An "exempt" sign or signs may lose exempt designation upon one or more of the following occurring:

- (1) The sign is relocated, removed, or replaced.
- (2) The structure of the sign is altered in any way such that the alteration is in value greater than 60% of the cost of erecting a new sign.

(3) The building official may, whenever he deems necessary to reasonably determined the applicability of subsection (b) of this section, require the owner of the sign to submit two (2) or more independent estimates from established sign companies of the reproduction cost of a new sign.

(4) An off-premise sign may remain exempt in accordance with Chapter 216.003 [d] of the Local Government Code.

(5) The sign is increased in size or height.

Sec. 22-19 Maintenance and Repair of Exempt Signs

The exempt sign is subject to all requirements of this code regarding safety, maintenance, and repair.

However, if the sign suffers more than forty percent (40%) appraised damage or deterioration, it must be brought into conformance with this code or removed.

The building official may, whenever he deems necessary to reasonably determine the cost of damage or deterioration of the sign, require the owner of the sign to submit two (2) or more independent estimates from established sign companies of the cost of replacing, repairing or renovating the existing sign.

ARTICLE V. CONSTRUCTION SPECIFICATIONS

Sec. 22-20 Compliance with Building and Electrical Codes

(a) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(b) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the International Building Code or International Fire Prevention Code.

(c) The International Electrical Code will be followed for clearances from overhead conductors. The term "overhead conductors" as used in this sub-section means any electrical conductor, either bare or insulated, installed above the ground.

(d) No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of eighteen (18) feet in height above grade.

(e) No sign shall be placed so that it obstructs the view for traffic movement at an intersection. Placement of signs shall conform to Sections 27-266, 27-267, & 27-268 of the Code of Ordinances of the city.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Sec. 22-21 Building Official

The provisions of this chapter shall be administered and enforced by the Building Official. The Building Official's duties shall include inspecting signs and issuing permits required by this chapter for signs that meet the requirements of this chapter and are otherwise lawful. Signs that require a permit and will be

located in the historic district shall be approved by the historic landmark commission prior to the issuance of a permit.

Sec. 22-22 Board of Sign Control and Appeals

(a) Board of Sign Control and Appeals created -

There is hereby created a Board of Sign Control and Appeals consisting of five (5) members:

- (1) Two (2) real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program;
- (2) One (1) person engaged in the sign business in the city;
- (3) One (1) employee of the State Department of Transportation who is familiar with real estate valuations in eminent domain proceedings; and
- (4) One (1) architect or landscape architect licensed by the state.

(b) Board members shall be appointed by City Council for a two-year term with a maximum of three (3) reappointments, or until their successors are appointed. Said members shall serve without compensation. A vacancy shall be filled by a person who meets the same requirements of the person being replaced as detailed in subsection (a) above.

(c) Three (3) members of the Board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A Board Member shall not act in a case in which he has a personal interest, as such term is defined by state law.

(d) The Building Official or his designee shall act as secretary of the Board of Sign Control and Appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absences of a member, and any failure of a member to vote.

(e) The Board of Sign Control and Appeals shall have the following powers:

- 1) To determine the amount of compensation to which the owner of a sign that is required to be relocated, reconstructed, or removed is entitled. The compensation cost and method of compensation is outlined in the Local Government Code, Chapter 216. "Regulation of Signs By Municipalities" or any successor statutes.
- 2) To hear and act upon appeals from an interpretation of this code made by the Building Official. (Section 22-23); and
- 3) To hear and act upon appeals from a denial of a variance request pursuant to Section 22-30 of this Code.

(f) The owner of a sign or duly authorized agent, may appeal the decision of the Board of Sign Control and Appeals to a State District Court as outlined in the Local Government Code, Chapter 216. "Regulation of Signs By Municipalities" or any successor statutes.

Sec. 22-23 Appeals from an Interpretation of this Code by the Building Official.

Any person may appeal a decision of the building official to the board of sign control and appeals on the grounds that the decision misconstrues or wrongly interprets this chapter, by filing a written notice of appeal with the Building Services Department within thirty (30) calendar days after the decision. The appealing party shall comply with the Building Official's decision pending appeal unless the building official shall direct otherwise.

Sec. 22-24 Standard for Review.

In considering an appeal from a decision of the building official, made in the enforcement of this chapter, the sole issue before the board of sign control and appeals shall be whether the building official erred in his interpretation and/ or application of the requirements of this chapter and all other applicable city ordinances. The board shall consider the same standards that the building official was required to consider in making the decision.

Sec. 22-25 Permit Required

No person shall hereafter place, erect, construct, reconstruct, alter or use a sign without first having secured a written permit from the Building Official of the City of Bryan to do so, subject to the exceptions set forth in this chapter. All signs that are fully electrified or contain one or more electrical components must also obtain an additional permit as required by City of Bryan Electrical Ordinance. If any work is started before securing permit, twice the ordinary permit fee will be charged.

Sec. 22-26 Application for Permits

Application for a permit for the erection, construction, alteration, or relocation of a sign shall be made to the Building Official upon a form provided by the Building Official and shall include the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) The type of sign or sign structure as defined in this Ordinance.
- (4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
- (5) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign; refer to the to the current adopted edition of the International Building Code.

Sec. 22-27 Permit Review and Action.

The Building Official shall review the sign permit application and issue or deny the permit, in conformance with the following requirements:

- A. Official Date. The official date of submission shall be the day the completed application with all required or necessary data, has been properly prepared and filed with the Building Services Department.
- B. Time To Decide. The Building Official shall issue or deny a sign permit application within 10 working days after the official date of submission.
- C. Standards and Criteria for Approval of a Sign Permit. The Building Official shall approve a sign permit, if the proposed sign will be in compliance with the requirements of this Chapter and all other applicable city ordinances. Otherwise, the application shall be denied.
- D. Statement of Reasons for Denial. If the building official denies the application, he or she shall state in writing the specific reasons for denial.
- E. Notice of Decision. The Building Official shall give written notice to the applicant of his or her decision regarding the application and of the applicant's right to appeal the decision to the board of sign control and appeals pursuant to Sec. 22-23 of this chapter. Notice shall be given either by hand-delivery or by depositing the notice, postage paid, in the United States mail. If the notice is mailed, it shall be sent to the address shown on the application.

Sec. 22-28 Permit and License Fees

Sign permit fees shall be as provided in such resolutions as may be adopted by the City Council and all such resolutions shall be continued in full force and effect as the same may be amended from time to time. Said resolutions shall be on file in the office of the City Secretary.

Sec. 22-29 Inspection Upon Completion

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Building Official upon completion of the work. The Building Official may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. The Building Official may require a shop or ground inspection prior to installation.

Upon issuance of a permit, the Building Official may require, in writing, that he be notified for inspection prior to the installation of certain signs.

Sec. 22-30 Variances

(a) As part of the permit application process, the applicant may apply to the Building Official for a variance from certain requirements of this code. A variance may be granted by the Building Official where the literal application of the code would create an undue hardship for the sign user and the following criteria are met:

- (1) A literal application of the code would not allow the property to be used at its highest and best use.
- (2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (3) Hardship caused the sign user under a literal interpretation of the code is due to conditions unique to that property and does not apply generally to the City.

(4) The granting of the variance would not be contrary to the general objectives of this code.

(b) If the Building Official denies an application for a variance from the requirements of this code then the applicant may appeal the Building Official's denial to the Board of Sign Control and Appeals by filing a written notice of appeal with the Building Services Department within thirty (30) calendar days after the date that the applicant receives notice from the Building Official that the variance request has been denied.

Following the filing of a notice of appeal, the Board of Sign Control and Appeal shall, within 25 days conduct a public hearing on the matter. In its review of the Building Official's denial of the variance, the Board of Sign Control and Appeals shall utilize the criteria set forth in this section.

An application for a variance is automatically granted if the Board of Sign Control and Appeals does not act on the variance before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive time deadline established by this subsection.

Sec. 22-31 Dangerous and Defective Signs

If upon inspection the Building Official finds that a sign is abandoned or is structurally, materially, or electrically defective, or in any way endangers the public, the building official shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) calendar days of the date of the order.

In cases of emergency, the Building Official may cause the immediate removal of a dangerous or defective sign without notice.

Sec. 22-32 Removal of Signs by the Building Official

The Building Official or his/her designee may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Building Official.

If the amount specified in the notice is not paid within thirty (30) calendar days of the notice, the amount shall be filed as a lien against the property of the sign owner, certified as an assessment against the property.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the building official, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Any off-premise sign structure lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be abandoned and in violation of this ordinance and as such shall be restored to use or removed by the owner or permit holder within thirty (30) days. If the sign is not restored or removed within the thirty (30) day time frame, the Building Official shall cause the removal of the abandoned off-premise sign structure.

Sec. 22-33 Citations

Approved agents or employees of the City as defined in Section 1-15 of the Code of Ordinances shall have the authority to issue citations for violations of this code.

Sec. 22-34 Penalties

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the City Attorney is hereby authorized to take all action, both legal and equitable, necessary to assure compliance with this chapter.

II.

That Chapter 24, STREETS AND SIDEWALKS, of the Code of Ordinances of the City of Bryan, shall be amended by adding Article V. "Public Rights Of Way" to read as follows:

ARTICLE V. PUBLIC RIGHTS OF WAY

Sec.24-56 Definitions.

COMMERCIAL MESSAGE. A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possibly those things which are the subject of the message and that:

- (a) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
- (b) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

FLAG. A piece of fabric that contains colors, patterns, symbols, or words that convey a non-commercial message.

GOVERNMENT SIGNS. A sign placed at the direction of a duly authorized officer, employee, department or agency of the government of the United States, State of Texas, or a political subdivision of the State of Texas, including but not limit to directional, traffic safety and public information, or school zone sign.

HANDHELD SIGN. A sign that is held by a person in such a manner that neither the sign nor any object(s) that provide support of the sign touches the ground.

NON-COMMERCIAL MESSAGE. Any message that is not a commercial message.

PUBLIC PROPERTY. Property owned or leased by the Federal Government, State of Texas, or any political subdivision of the state, including the City of Bryan.

PUBLIC RIGHT OF WAY shall mean the entire width of the area between private property lines, dedicated for public use as a street, roadway, alley, bridge, thoroughfare, improved or unimproved pedestrian way or sidewalk.

RUBBISH. Garbage, trash, debris, uncultivated brush, and litter.

SIGN. shall mean any device, display, flag, plaque, poster, design, painting, drawing, graphic that is intended or used to convey a message.

STATE MAINTAINED HIGHWAY shall mean Highway 6 (East Bypass) and frontage road, Highway 21 (San Jacinto), Highway 158(William Joel Bryan), Highway 308 (South College from Sulphur Springs to College Station city limits), Highway 507 (Texas Avenue), Highway 974 (Tabor Road from Wilkes Street east to city limits), Highway 1179 (Villa Maria from Briarcrest to west city limits and Briarcrest to east city limits), Highway 1687 (Sandy Point Road) and Highway 2818.

WEEDS AND GRASS. Weeds and/or grass, or other uncultivated plants on any premises or right-of-way, which grown in such rank profusion as to harbor reptiles or rodents, or create a fire hazard; and weeds and/or grass or, other uncultivated plants on any premises which are permitted to, or do, attain a height greater than twelve (12) inches on the average.

Sec. 24-57 Duty of Abutting Property Owner to Maintain Unimproved Portions Of Public Rights-Of-Way.

- (a) Weeds or grass and rubbish, as defined by this article, are hereby declared to be a nuisance in general and in violation of this article and Chapter 11, Article 1 "Nuisances" and are liable to be abated pursuant to the provisions of Section 11-26, et seq., and are hereby prohibited.
- (b) It shall be the duty of the owner or the occupant of any lot, tract or piece of land abutting upon any right-of-way to keep the unimproved portion of the public right of way free from weeds, grass and rubbish as defined herein. It shall be unlawful for the owner or occupant of such property to fail to remove all weeds, grass or rubbish from such portion of the right-of-way upon notice from the City of Bryan. The public rights-of-way of State Maintained Highways are exempt from this requirement.
- (c) No person shall place weeds or grass removed from private property upon any public street, alley, sidewalk or drainage structure.
- (d) If any owner or occupant of any lot, tract, or piece of land shall refuse or neglect to clear or remove from rights-of-way abutting such property all weeds or grass, the city manager may cause all weeds or grass to be mowed and/or removed from the right-of-way and shall assess the cost of removal against the abutting property and either impose lien on the property or effect such other remedy as may be available at law or in equity.
- (e) Compliance and enforcement of this section shall be as set forth in Section 11-26 et seq.

Sec. 24-58 Repair Of Defective Sidewalks or Driveways to Be Carried Out By Abutting Property Owners.

When a sidewalk, driveway or appurtenance thereto becomes defective, unsafe or hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same and the expense of such work shall be borne by the abutting property owner. This duty exists independently of any action by city to

notify the abutting owners of the condition. When a sidewalk, driveway or appurtenance thereto is found to be defective, unsafe or hazardous, the city manager or his or her designee shall notify the owner of the abutting property to reconstruct or repair same. Any owner who knowingly fails to reconstruct or repair such defective, unsafe or hazardous condition within thirty (30) days from the date of the written notice to do so, or any owner who knowingly fails to begin such reconstruction or repair within fifteen (15) days from the date of such notice, is guilty of an offense.

Sec.24-59 Signs Within Public Rights-Of-Way And On Public Property.

(A) Purpose. The purpose of this section in regulating signs is to preserve and protect the public health welfare and safety. It is intended to facilitate movement and ensure safety in public areas and on public rights-of-way. It is also intended to enhance the physical appearance of the city, make the city a more enjoyable and pleasing community, and to create a more attractive economic and business climate.

(B) Findings. Therefore, the city council finds that it is in the public interest to enact restrictions on the placement or display of signs in the public right-of-way and on public property. Notwithstanding the above, in enacting the ordinance codified in this chapter the city find that it has a compelling and substantial interest in permitting certain signs in the public right-of-way, as follows:

(1) The city council finds that safety, traffic, or other public information signals, signs, banners or notices erected or maintained by a public officer or employee in the performance of a public duty, are necessary in order to ensure the safety of the public, to inform the public about the location of public buildings, parks schools, streets and highways.

(2) The city finds that temporary emergency or safety pedestrian and vehicular warning signs are necessary to protect the public from temporary and unanticipated dangers and public emergencies.

(3) The city finds that in order to promote freedom of expression, handheld signs, as defined in this chapter, should be permitted in the unimproved portions of the right-of-way and on sidewalks by persons lawfully present.

(4) The city finds that in order to promote the use of its public buildings and other publicly owned facilities, that lessees and licensed users of such public property be allowed to erect temporary signs, provided that those signs:

(a) comply with all other requirements of Ch. 22, applicable to the same type of sign located in the same zoning district; and

(b) do not deface, damage or destroy public property; and

(c) are maintained only during the duration of the license or lease.

Sec. 24-60 Restrictions.

(A) No sign may be placed, posted, attached, painted, marked, or written on or otherwise affixed, installed or displayed on public property or in the public rights-of-way, except as authorized in subsection B, C, and D of this section.

(B) Public Rights-of-Way. With the exception of State Maintained Highways, it shall be unlawful to place a sign in the public right-of-way, except as authorized herein. The following signs may be placed in the public rights-of-way:

1) Government Signs

(2) Temporary emergency or safety pedestrian and vehicular warning signs.

(3) One (1) flag attached to a single free-standing pole, may be placed in the unimproved portion of the public right of way for every 10 linear feet of frontage, if placed by the owner of the property abutting the public right of way or with the consent of said owner.

(C) State Maintained Highways. No sign may be placed in the public right-of-way of a State Maintained Highway unless authorized by the State of Texas.

(D) Public Property. The following signs are allowed on public property.

1. Government signs;
2. Lessees or licensed user of public owned building and property leased or licensed from the city for business purposes shall be allowed to erect temporary signs in compliance with all other provision of this code, provided that those signs do not deface, damage or destroy such public property, and are maintained only during the duration of the license or lease.

(E) Nothing in this chapter shall prohibit the display of handheld signs, as that term is defined in this chapter, when carried by persons lawfully present on the unimproved portions of the public rights-of-way, public property, and on sidewalks.

Sec. 24-61 Notwithstanding any other provision of this chapter, no sign shall be posted, displayed or carried at a location or in such a manner so as to obstruct or interfere with, or pose the threat of obstruction or interfering with, vehicular or pedestrian travel or pose a danger to any person.

Sec. 24-62 Determination of Noncommercial Messages

(a) Findings The city council finds that it may be necessary in the enforcement of Section 24-60(B)(3), to determine whether the message displayed upon a flag is a commercial message or a noncommercial message.

(b) Hearing. If a person receives a notice of violation or is cited for maintaining an illegal commercial flag in the public-right-of-way, and the person notifies the city attorney in writing within 10 calendar days of receiving the notice or citation that he believes the flag displays a non-commercial message and is, therefore, not in violation of this chapter, the city attorney shall postpone the prosecution of the case and shall have the matter placed on the agenda of the board of sign control and appeals within 25 calendar days. The board shall determine whether the flag conveys a commercial message. The board shall utilize the definitions contained in this chapter in making its determination. The board shall make a determination no later than the 46th calendar day after the notice of violation or citation was received by the person maintaining the flag. The failure of the board to make a determination within the time required shall result in a deemed finding by the board that the flag is non-commercial.

(c) Judicial Review. If the board determines that the flag conveys a commercial message and is illegally placed in the public right-of-way, the person maintaining the sign may within 10 days of the board's decision file a notice of non-acceptance of the decision with the city attorney. Within twenty (20) business days after receiving the notice of non-acceptance, the city attorney may initiate suit in the district court for determination that the sign is commercial and for an injunction to prohibit display of the sign in violation of this Chapter. The city shall bear the burden of showing that the sign is commercial.

Sec. 24-63 Except as provided in Section 24-62 above, any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized and the removal there is hereby authorized. The building official, employees of the police department, the department of public works and the department of transportation and traffic are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the building official for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than thirty (30) days. Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city through the custodian thereof, consisting of a total of twenty-five (\$25.00) for hauling the same to storage plus five dollars (\$5.00) per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

III.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

IV.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

V.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

VI.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.


VII.

That this ordinance shall be come effective immediately upon second reading.

PRESENTED AND GIVEN first reading the 28th day of October, 2003, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 30th day of October, 2003, by a vote of 5 ayes and 0 nays at a special meeting of the City Council of the City of Bryan, Texas.

ATTEST:


Mary Lynne Stratta, City Secretary

CITY OF BRYAN, TEXAS

Jay Don Watson, Mayor

APPROVED AS TO FORM:


Michael J. Cosentino, City Attorney

TABLE 1

Table 1

Allowable Areas for Free Standing Signs.

Frontage (Feet)	Max Area* (Square Feet)	Distance between Curb Pavement in feet At Least (Feet)	Allowable heights for Free Standing Signs Height (Feet)
0 through 50	25	10	5
51 through 100	50	15	8
101 through 150	75	20	11
151 through 200	100	25	14
201 through 250	125	30	16
251 through 300	150	35	19
301 through 350	175	40	21
351 through 400	200	45	23
401 through 450	225	50	26
451 through 500	250	55	29
501 through 550	275	60	31
551 through 600	300	65	34.0
		70+	35.0
		*100+	50.0

- No free standing sign shall exceed 35 feet in height except in NO. 4.
- Strip centers-reference section 22-14 (f).
- For additional freestanding signs in Commercial Zones. Reference section 22-16
- Commercial Zones with a minimum 100 feet of frontage on F.M. 2818 and S.H. 6 East Bypass may have a sign up to a maximum of 50 feet in height with a minimum distance from the right-of-way of 100 feet. The sign shall not be closer than 200 feet to any property zoned SF-5, SF-7, MU-1 or MF.
- On corner lots the set back requirement shall be measured from the main frontage street. Secondary streets shall have a minimum of a five foot set back from the property line.

APPENDIX

Appendix A

Downtown Historical District

Sec. 8 Sign Regulations.

In keeping with the great architectural significance of the Downtown Historic District, no new signs shall be located in the district unless the following criteria are met. Generally, new signs shall attempt to promote and, not visually obscure the significant architectural features of the building or the district in general.

DEFINITIONS - Certain terms are defined for the purpose of this Ordinance as follows:

Awning Sign. A sign painted on, printed on, or attached flat against the surface of an-awning or canopy.

Banner Sign. A sign made of fabric or any nonrigid material with no enclosing framework.

Façade. The entire building front including the parapet.

Flag. A rectangular piece of fabric attached on one border to a supporting rod or pole mounted on a building facade for temporary display.

Freestanding Sign. A sign supported upon the ground by poles or braces and not attached to any building.

Marquee. Permanent canopy, awning or roof like structure of rigid materials supported by and extending from the facade of a building. A marquee is considered to be part of the building.

Marquee Sign. Any sign attached to or supported by a marquee structure.

Off Premises Sign. A sign that does not advertise or represent the business on which it is located.

Parapet. The extension of a false front or wall above a roofline.

Portable Sign. Shall mean any sign designed or constructed to be easily moved from one location to another and not permanently affixed to the ground or to a structure or building, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. Trailer signs and signs on benches are considered to be "portable signs".

Premise. A building or part of a building, with its appurtenances.

Projecting Sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Roof Sign. A sign erected over or on the roof of a building.

Sign. Includes but is not limited to any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising.

Street Frontage. Shall mean the linear frontage of a parcel of property abutting a public street.

Sign Area of:

(1) **Projecting and Freestanding:** The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

(a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

(b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

(2) **Wall Signs:** The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Wall Sign. A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition include painted, individual letter, and cabinet signs, and signs on a mansard. This term applies to all painted signs, individual letters or characters, cabinet type signs, non rigid signs and all neon outlines or embellishments.

Window Sign. A sign installed inside a window and intended to be viewed from the outside.

(a) **Wall Signs**

1. All wall signs must be securely attached to the building facade.
2. No new marquee sign may exceed fifty (50) square feet per fifty (50) feet of linear street frontage of the building to which it refers.
3. Wall signs projecting more than 18 inches from the vertical building surface are prohibited.
4. Lower level (first story) signs (a) may not contain words consisting of characters greater than twelve (12) inches in height and (b) may not exceed ten (10) square feet per fifty (50) feet of linear street frontage of the building to which it refers.
5. Upper level (second or higher stories) signs (a) may not contain words consisting of characters greater than eighteen (18) inches in height and (b) may not exceed in area twenty (20) square feet per fifty (50) feet of linear street frontage of the building to which it refers.
6. No more than thirty percent (30%) of a facade may be covered with signs.

7. Each premise may have no more than two attached signs for each street entrance.
8. Banner signs may be displayed for a maximum of forty-five days per year.
9. No sign may be illuminated by back lighting. Indirect light is permissible. The use of a new plastic sign is prohibited.

(b) Window Signs

1. A window sign may not cover more than twenty five percent (25%) of the window surface area.
2. Window signs may not contain words consisting of characters greater than twelve (12) inches in height.

(c) Awning Signs

1. No part of an awning sign may be closer to grade than ten (10) feet.
2. An awning sign: (a) may not contain words consisting of characters greater than eight (8) inches in height or (b) may not exceed fifteen (15) square feet in area.

(d) Roof Signs

No new roof signs may be erected in the Downtown Historic District.

(e) Detached Signs

No detached signs may be used in the Downtown Historic District.

(f) Portable Signs

Portable signs with changeable copy are prohibited within the Downtown Historic District; however, specially constructed signs which are compatible with the design, style and historic period of the structure to which the sign refers shall be permitted.

(g) Off Premises Signs

No off premises signs are allowed within the Downtown Historic District.